

Ponape Concon nears final draft - See Page 4



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Congress sets Task force On Plan

KOLONIA, Ponape (Congress Release) — A joint task force to draft an overall economic development plan was called for by the Third Congress in a resolution adopted unanimously during the Second Special Session, which ended Feb. 16.

The resolution C.R. No. 3-121, C.D.1, urges the President to establish a joint task force with the mandate to draft a plan and also calls for cooperation among the branches, saying, "despite the fact that there have been past differences of opinion on the subject of a National Plan, now is the time for all the branches of the National Government to join forces and resolve as a National priority to draft a National Plan."

Earlier during the special session, the Congress disapproved the resolution which would have adopted the National Plan, which had been submitted by the President in November, 1983, for congressional review.

The plan was assigned to the Committee on Resources and Development during which time the plan was reviewed by Congress Economist Winfried Biddier and a United Nations Development

(Continued on page 3)

Inside....

Ponape State Court opens

(See story on page 6)

Insurance plan reviewed

(See story on page 2)



KIRIBATI FISHERMEN ARRIVE — From left, Tangataliki Saufatu, Barry Tebaau and Tabokai Tentao, who drifted 900 miles in 30 days from Kiribati in an 11-foot boat, are shown in a Ponape State Hospital ambulance on their Feb. 20 arrival here. They are picked up 300 miles south of Ponape Island by the Otoshiro Maru No. 24 Japanese fishing boat.

Kiribati fishermen drift 30 days

KOLONIA, Ponape — Three fishermen from Kiribati, who drifted 900 miles in an 11-foot boat after its outboard motor shaft broke, left Ponape Feb. 23 on an Air Nauru flight to return home.

The three men, Tangataliki Saufatu, 38, a merchant seaman from Tuvalu who was spending the Christmas holidays in Kiribati; Tabokai Tentao, 29, a carpenter from Maiana Atoll, and Barry Tebaau, 27, a statistician with the Kiribati government vital statistics office in Tarawa appeared in good condition and high spirits when they left.

They were scheduled to lay over on Nauru Island until Feb. 26 when they would catch a flight to Tarawa, capital of the former Gilbert Islands.

The three men were brought to Ponape on Feb. 20 by the Otoshiro

Maru No. 24, a 160-foot Japanese pole-and-line fishing boat which picked them up Feb. 2 about 300 miles south of Ponape island. They spent three weeks on the boat while it fished in the area and waited for spare engine parts which were sent from Japan to Ponape.

They were admitted to the Ponape State Hospital for examination and observation, and were released Feb. 22. They were provided a vacant government-leased house and food for the remainder of their stay, and were hosted to a feast Feb. 23 at the home of FSM External Affairs Secretary Andon Amaraich.

The trio was fishing Jan. 2 between Maiana and Tarawa atolls when the shaft

(Continued on page 6)

Health insurance plan presented to states

KOLONIA, Ponape — Recommendations for a national health insurance program are being presented to state and national leaders, according to Budget Officer Del Pangelinan, chairman of the FSM Health Insurance Committee.

The following statement was released Feb. 16 by the committee:

"The FSM Health Insurance Commit-

tee, formally recognized by FSM Chief Executives' Conference and SNLC (State-National Leadership Conference) Resolution No. 7-13, and organized in August, 1983, by President Tosiwo Nakayama, has begun to formulate and present its recommendations concerning a national health insurance program to the FSM state and national leadership.

"The committee has and is continuing to analyze proposals from various insurance management firms as well as its own proposal for internal-FSM self-management.

"The initiative to look into the design of a health insurance program by the FSM state and national leadership through the Health Insurance Committee relies on the fact that government funding for health care costs will become more limited after termination of the U.N. Trusteeship Agreement.

"Some share of these costs will have to be borne by the individuals and employers receiving the benefits of health care services.

"In concurrence with the FSM leadership, the committee has determined that insurance is one of the most viable mechanisms to collect funds from health care beneficiaries to help pay for the health care provided by state hospitals and off-island medical referral centers.

"As a result of a viable health insurance program, health care providers, especially state hospitals and dispensaries, would be provided a more reliable source of income to improve the provision of vital medical and health services.

"The FSM as a whole would also be better recognized by the international community as making serious efforts in improving its fiscal and health care status.

"To date, one of the most viable insurance management options presented to and analyzed by the committee has been that of a FSM-owned health insurance trust fund. While the FSM-owned trust fund would be initially managed by a recognized outside firm, training of FSM citizens would take place so that the trust fund would eventually become wholly managed by the FSM.

"State executive and legislative leaders are now being consulted by committee members on the committee's initial findings and recommendations. Consultations have already been held in Kosrae, while consultations with Truk, Yap and Ponape state officials are planned for February and March.

"In the meantime, other insurance management firms are being contacted by the committee.

"With funding appropriated by the FSM Congress and possible technical assistance from U.S. federal agencies, expert legal and actuarial assistance will be utilized in the design of a viable health insurance program.

"Independent insurance experts will also be consulted as the committee's recommendations become more formalized."

D.C. law firm sets Ponape office

KOLONIA, Ponape — The Washington law firm which represents the FSM in status negotiations filed Feb. 15 an application with the FSM Foreign Investment Board to establish an office in Ponape, headed by former Attorney General Fred Ramp.

The office will augment the firm's status related work and will provide general legal representation to FSM citizens and businessmen as well as foreign companies who can work successfully on economic development projects in the Federated States, according to James T. Stovall III of Washington.

The office of Stovall, Spradlin, Ramp, Armstrong and Israel is scheduled to be opened April 2, on the second floor of Martin's Store in Kolonia, with the mailing address to be P.O. Box 449, Kolonia, Ponape ECI 96941. Pending approval of the Foreign Investment permit application, the office will limit itself to its government work.

Stovall, who was in Ponape with Barry Israel of the Washington firm to attend an FSM Status Commission meeting, said that "in addition to status work, which we will continue, we want to begin to assist clients who want to be involved in the development of the FSM.

"We want to concentrate on bringing the local business community into the development," Stovall said, adding, "This will involve introducing local people to outside businessmen, and assisting, where appropriate with the formation of joint ventures and other relationships.

"We have been contacted by investment people in the (U.S.) who are looking closely at the FSM, as there is a strong interest in development activities here," he said.

"Our business will not be limited to the FSM, as we hope this office will develop to serve the Pacific region," Israel said.

"The foreign investment application will be distributed by the board to the four state governors, since the firm's projected activities are FSM-wide," Stovall said.

"As the business develops, we intend

to look first to the FSM legal community for additional attorneys," he said, adding that the Washington office of the firm plans to hire Micronesians studying law in the Washington area as interns in that office, and now has Linda Mori of Truk assisting on a part-time basis.

The Washington office of Stovall, Spradlin, Armstrong and Israel is at 1819 H. Street, N. W. Suite 700, Washington, D.C. 20006, and was formed June 30, 1983.

Stovall began in 1969 working on Micronesian status negotiations representing the former Congress of Micronesia Joint Committee on Future Political Status. He was with the Clifford and Warnke law firm, headed by former U.S. Defense Secretary Clark Clifford and former U.S. Strategic Arms Limitations Treaty (SALT) negotiator Paul Warnke.

Israel joined Clifford and Warnke in 1976 and began working on Micronesian status negotiations in 1978. John Armstrong is a retired U.S. Navy commander who served five years in the U.S. Office of Micronesian Status Negotiations as its principal negotiator. Richard Spradlin was with Clifford and Warnke for 17 years, representing business clients in international trade matters.

Ramp came to Ponape in 1970 as a Peace Corps volunteer and served two years as a District Legislature counsel, before joining the Congress of Micronesia staff in August, 1972. He also served on the 1975 Micronesian Constitutional Convention staff, and continued with the Congress and Interim FSM Congress until May, 1979, when he became special counsel to the President of the FSM.

He became the first FSM Attorney General in December, 1979, after being confirmed by the Congress. He resigned in September, 1983, and has been serving as special counsel to the national government which he will continue through March.

Ramp is married to the former Erine Yoma of Ponape. They have three children.

N.Z., Aussie Diplomats visit

KOLONIA, Ponape — Two foreign diplomats, Australian Consul General to Hawaii and Micronesia William Fisher and Roly Medge, First Secretary at the New Zealand Embassy in Manila, made familiarization visits to the FSM during February, according to External Affairs Department officials.

Fisher made his first visit to the FSM, since the Australian government transferred diplomatic jurisdiction over Micronesia from its High Commissioner in Kiribati to its Consul General in Honolulu in January.

Feb. 10-11, he visited Yap where he met with Lt. Gov. Hilary Tacheliol and toured parts of Yap proper. Feb. 11-16, he visited Ponape where he met with President Tosiwo Nakayama, Vice President Bailey Olter, Gov. Resio Moses and other state and national officials.

Fisher discussed with officials here the Australian Third Country Scholarship program which is sponsoring Johnny Hedson of Ponape who is studying medicine and Sydney Skilling of Kosrae, studying law at the University of Papua New Guinea.

"These scholarships have been ongoing for a while, but recently they have been considerably increased," Fisher said.

Fisher also noted that "Australia is expected to be elected to the U.N. Security Council and will be one of the countries concerned with the termination of the Trusteeship Agreement (when the Compact of Free Association with the United States goes into effect)."

Medge, accompanied by a Fletcher Overseas Construction Co. official, met with the President, Congress Speaker Bethwel Henry, the governor and FSM External Affairs and Resources and Development department officials, during his Feb. 9-12 visit to Ponape, to discuss future diplomatic and trade relations.

Nimwes Tol magistrate

TOL Truk — Assistant Chief Magistrate Chutomu Nimwes was named Acting Chief Magistrate of Tol Municipality by the Tol Municipal Council in its Fourth Special Session in January.

Nimwes, who is the Truk State Director of Education, replaces former Chief Magistrate Susumu Aizawa who resigned Jan. 31, citing other responsibilities and commitment to his business interests as reasons for his resignation in a Jan. 18 letter to Truk Gov. Erhart Aten.

Nimwes takes office effective Feb. 1 through Sept. 28, 1984.

Congress sets Plan task force

(Continued from page 1)

Programme team.

In both reviews, the same basic conclusions were reached: that the current plan does not meet the requirements of a national development plan and that substantial changes would have to be made in the plan.

In public hearings the states also outlined the deficiencies they saw in the plan.

"I am not quite sure as to how the plan would be looked at by the U.S. Government once it is submitted in its present form, when in fact, there are certain deficiencies as put forth by those Governors, Speakers, and the experts having reviewed the current plan," said Senator Sasao Goulard, Truk, chairman of the R&D Committee.

The resolution notes that the UNDP report is "worthy of consideration." This report establishes a six-month timetable to "finalize the Plan document."

In other action, the Congress approved

Contract signing set

KOLONIA, Ponape — The philatelic agent contract for production and sale of postage stamps approved by the FSM Congress will be signed March 14 during an international stamp show in New York, according to Postmaster General Leo A. Falcam.

Falcam also said that a stamp design contest will be announced in the near future, after he receives preliminary theme sketches from a representative of Crown Agents Philatelic Corp. of New Jersey and Crown Agents for Overseas Governments and Administration of England which was awarded the contract.

The agent representative began research for the design while attending the Third FSM Congress Second Special Session, Feb. 6-16, when the proposed contract was reviewed and approved.

The three-year contract, which is renewable, gives the FSM control over stamp design and issuance, with the agent providing production, distribution and training for FSM Postal Service personnel.

FSM revenue from stamp sales, Falcam said, "I am predicting easily will be \$500,000 within the first three months after the first issuance of stamps, if everything is right, such as timing."

Falcam said he will go to New York for the contract signing in mid-March "to get the philatelic press in this from the very beginning.

"I still predict early summer (for the first issuance)," he said.

the resolutions confirming Leo A. Falcam as Postmaster General and naming Crown Agents as the FSM's philatelic agent.

The Congress also adopted two resolutions, one of which approves the agreement between the MMA and the four Japanese fisheries associations netting the FSM approximately \$1.2 million for fishing license fees and another which distributes approximately \$85,000 in goods and services received under the agreement.

The Congress passed a bill which appropriates \$5,000 to the Congress to be used for the purchase of a computer to monitor the financial activities of the government.

The only other bill passed increases the employment ceilings for the FSM Supreme Court and the MMA and also appropriates \$17,500 to the MMA for the purchase of a computer to gather fishing data. The Supreme Court will use its additional position to hire an ombudsman for Truk State while the MMA will hire a surveillance officer.

Other resolutions adopted by the Congress:

- request the Secretary of the U.S. Department of Agriculture to extend to the FSM additional benefits available under the Farmers' Home Administration.

- urges the President and other officials to expedite collection of all taxes due to the FSM.

- sets the total revenues available from the U.S. Grant Special Fund and the FSM General Fund.

- requests the FSM Department of Resources and Development to investigate the insect problem in Fais, Yap.

- requests the President and the FSM Department of External Affairs to expedite approval of Air Marshall landing rights in Kosrae.

- expresses sympathy to the family of Mrs. Erwine Goulard, Truk, mother of Senator Sasao Goulard and First Lady Miter Nakayama, for her untimely passing.

- expresses sympathy to the family of Dr. Eskiel Moses, Truk, for his untimely passing.

- expresses sympathy to the family of the late Serafin Rayphand, Truk.

- expresses sympathy to the family of the late Rev. Nelsin Pelep, Ponape.

- expresses sympathy to the family of the late Mr. Esikiel Malon, Truk.

- expresses sympathy to the family of the late Mr. Pernel Yoma, Ponape.

- expresses sympathy to the family of the late Mr. Alwihs Hadley, Ponape.

- expresses sympathy to the family of the late Adelino Seiola, Ponape, for his untimely passing.

Ponape Concon nears final draft

KOLONIA, Ponape — The Ponape State Constitutional Convention, working to complete a final draft for signing on March 5, scheduled meetings through Feb. 28 to complete action on outstanding issues, such as transition and the role of traditional leaders, according to convention chairman Leo A. Falcam.

The convention was running behind schedule, so the signing ceremony could be delayed one or two days, according to convention officials.

The convention met Feb. 26, as a committee of the whole and was scheduled to meet Feb. 27-28 in plenary session to act on first and second reading on unresolved issues.

A referendum is scheduled for July 2 on the draft constitution.

The convention previously approved on second reading, Article I, Territory and Jurisdiction, but is considering a Style and Translation Committee recommendation giving the state jurisdiction over 200 miles of marine space and deleting reference to the FSM Constitution which gives the national government jurisdiction over the 200-mile economic zone, beyond a 12-mile zone set aside for the states.

The convention also considered proposals on the legislature to retain the present number of members, 20, or reduce the number, and the executive to have a single ticket for the governor and lieutenant governor, or have them run separately.

The judiciary article was reopened

Leadership meet Feb. 29

KOLONIA, Ponape — The Ponape State Leadership Conference on Political Status Development is rescheduled from Feb. 23-25 to Feb. 29 - March 2 to avoid a conflict with the State Constitutional Convention, according to Lt. Gov. Strik Yoma, conference coordinator.

The conference is scheduled to be held in the State Legislature Chamber where the Constitutional Convention will be meeting through Feb. 26 to complete a draft constitution.

"Because of the scheduling of the Constitutional Convention, the Speaker (Salter Etse) and Governor (Resio Moses) agreed to postpone the leadership conference to Feb. 29," Yoma said.

Some 83 participants are invited to the leadership conference which will cover issues of transition from charter to constitutional government, the State Economic Development Plan and the Compact of Free Association with the United States.

to determine the tenure of the chief justice which was resolved by providing that the existing chief justice be retained in office up to six months after the constitution goes into effect when the governor would renominate, or appoint a new chief justice, subject to approval by the legislature.

The convention reopened and reconfirmed its position that Kolonia would continue to exist as an autonomous town government, but that it would remain in the traditional boundaries of Wein Nett.

The convention also reconfirmed its earlier decision that the state would retain jurisdiction over resources from the high-water mark to the outer reef of the main island which the municipalities had requested.

The convention adopted a provision leaving land ownership to statutory law, but the Land and Traditional Rights Committee was considering recalling the article on land to set a 60-day notice for sale of land to non-residents of Ponape, and court, or administrative adjudication of the sales.

The outstanding transitional issue was the date for a uniform election for the governor, lieutenant governor and legislature with the convention divided over setting the date in November of 1985, 1986, or 1987, officials said.

Gov. Resio Moses was elected in March and the legislature in November, 1983, for four-year terms.

On rights of traditional leaders, the convention was divided over whether to give the council of traditional leaders, nanmwarkies and nankens, veto power over legislation; advisory powers, or remain silent on their authority, officials said.

The current draft includes prohibition of testing, transshipment and storage of nuclear waste and prohibits the death penalty.

Ponape is the last of the four FSM states to draft a state constitution. The Yap constitution went into effect Jan. 1, 1983, and the Kosrae constitution, Jan. 11, 1984, while the Truk constitution, drafted in 1982, is awaiting a referendum date to be set by the legislature.

CORRECTION

KOLONIA, Ponape — The College of Micronesia Board of Regents, during its annual meeting Jan. 16-20 in Palau, allocated \$20,000 to complete construction of the Community College of Micronesia dormitory in Ponape, instead of \$200,000 reported in the Jan. 30 National Union.

Briefs....

KOLONIA, Ponape — The Micronesian Maritime Authority is asking state fisheries officers to identify experienced seamen in the FSM to work on American Tunaboat Association purse-seine vessels, according to MMA Deputy Director Peter Sitan.

ATA agreed, as a party to the Jan. 14 settlement with Sea Treasure owners for its fishing in FSM waters without a license, to place FSM citizens on member vessels for training in purse-seine fishing technology. Three slots are committed, one has been taken and others are expected, in addition to possibly placing crewmen on non-U.S. vessels, according to Sitan.

Persons interested in employment on purse-seiners should contact their state fisheries officers, according to Sitan who said that in order to get the program off to a good start they should speak and understand English; have some experience as fishermen, or boat crew members; be able to stay at sea up to 70 days, and be quickmoving and responsive to minimize accidents onboard.

COLONIA, Yap — The Yap Public Utilities and Contracts Department announced Feb. 2 that electricity and water rates are scheduled to be increased in 30 days so that users would pay a greater share of real production costs, according to State Information Officer Henry Muthan.

With the real cost of electricity estimated at 20 cents a kilowatt hour, the new rates to go into effect on or about March 3 are to be 19 cents per kilowatt hour for 1,000 hours or less, 11 cents per hour for 1,000 to 2,000 hours and 13 cents an hour for more than 2,000 hours.

The new water rates are scheduled to be 70 cents per 1,000 gallons for the first 5,000 gallons, and 90 cents per 1,000 gallons above that.

The public was invited to review the rate changes and submit comments to the department.

LELU, Kosrae — The Kosrae State Legislature approved and transmitted to the governor a bill introduced by State Senator Patterson Benjamin to appropriate \$5,000 to complete construction of the Community College of Micronesia dormitory in Ponape, according to a Feb. 20 Kosrae State Release.

KOLONIA, Ponape — The Trust Territory overseas telephone switchboard will be in operation from 7 a.m. to 11 p.m. (0700-2300) daily, Saipan time, instead of 24 hours a day, beginning Feb. 1, according to a Jan. 16 dispatch from High Commissioner Janet J. McCoy to President Tosiwo Nakayama.

Pingelap election Set March 30

KOLONIA, Ponape — A special election was set for March 30 for the Pingelap seat in the Ponape State Legislature by Gov. Resio Moses in a Feb. 15 proclamation.

The legislature declared the seat vacant during a special session Feb. 10, after the governor declined to certify the results of the Nov. 11 legislative election in Pingelap which gave incumbent State Senator Job Micah a narrow victory over FSM Congress staff counsel Delson Ehmes, due to alleged vote-counting irregularities.

The filing deadline for candidates was Feb. 29, according to State Election Commissioner Samson Alpet.

All voters registered to vote in Pingelap are eligible to participate in the election, he said.

Absentee ballots may be requested by voters residing outside of Ponape state up to 10 days before the election, or March 20, and the ballots must be submitted by March 29. Absentee ballots may be requested by voters residing in Ponape up to the day of the election and must be submitted by the election day.

Absentee ballots may be obtained from the Ponape State Election Commissioner, Administration Building, Kolonia, Ponape ECI 96941.

Alpet said that he plans to send observers to Pingelap Atoll and to Pingelap polling places on Ponape Island to monitor the voting and vote counting.

Succession bill approved

COLONIA, Yap — The Yap State Legislature adopted Feb. 14 a succession bill which would make the speaker the chief executive, if both the governor and lieutenant governor were incapacitated, according to State Information Officer Henry Muthan.

If the lieutenant governor becomes governor, dies, is disabled, or is removed from office, the line of succession would go to the Administrative Services, Public Affairs, Planning and Budget and Resources and Development director; the Attorney General, and Public Utilities and Contracts and the Health Services directors, in that order.

The bill was introduced Jan. 13 by State Senator Mungunbey to amend District Law 6-12 on succession, and hearings were held on Jan. 17, before being reported out by the Government, Health and Welfare Committee which noted that the Yap State Constitution which went into effect in January, 1983, provides that succession shall be prescribed by law.

Sokehs Rebellion celebrated

KOLONIA, Ponape — Deh and Ipwal villages won the team title in the Feb. 24 track and field meet commemorating the 1911 execution of 15 Sokehs men who led a rebellion against German rule, killing the colonial governor and three of his aides.

The team representing the Palikir, Paies, Kepira, Sapwawas, Tomwara and Lewetik villages of Sokehs municipality took the water events title in the three-day celebration of the resistance against foreign domination of Micronesia which spanned four centuries under Spanish, German and Japanese rule, before the U.S. began administering the Trust Territory of the Pacific Islands in 1947.

The Oct. 18, 1910, uprising, protesting forced labor road construction, was compared with the 1776 American Revolution against the British, during the Feb. 23 flag-raising ceremony at the Sokehs Municipal Building.

The uprising was suppressed by the Germans who executed the 15 men on Feb. 24, 1911, and exiled 426 relatives of the patriots to Palau and Yap.

FSM Vice President Bailey Olter said during the flag-raising ceremony that the flags representing the nation and community open a new era of better understanding, communications and cooperation which will lead to peace and prosperity.

The Deh-Ipwal team totalled 208.5 in the five-team track meet. Sekere, Likie, Nanpohnmal and Kepinkep was second with 207; Palikir, Tomwara, Nanmal, Lewetik, Paies, and Kipar, third, 120; Satawan, Lukunot, fourth, 86.5, and Mwalok-Danpei, fifth, 78 points.

Walsy Simiram with 33 points and Peteriko Almos with 43 points, both of second place; Sekere, Likie, Nanpohnmal and Kepinkep were the women's and men's high point winners.

In the Feb. 25 water events, Palikir, Tomwara, Paies, Nanmal and Lewetik totalled 274 point; Sekere, Likie, Nanpohnmal and Kepinkep, 122; Deh, Ipwal, 104.5; Mwalok, Danpei, 98.5, and Satawan, Lukunot, 40.

The individual high-point winners were Morse Manasa of Deh-Ipwal who led the women with 45 points and Kasiano Kiriemo of Palikir who led the men with 40 points.

In men's volleyball, the Mwalok Blockers won first place; Iohl Musketeers - B team, second, and Iohl Musketeers - A, third. The Sekere Wildcats won first place in women's volleyball; Ms. Iohl Musketeers, second, and Mwalok Miss Tragnettes, third.

The Sekere section team won the men's softball tournament, with Mwalok, second, and Ipwal, third. Deh won

the women's softball tournament, Sekere, second and Mwalok, third.

In religious singing, Danpei was first; Soledi, second, and Sekere, third; popular songs, Palikir, first; Danpei, second, and Soledi, third, and dancing, Ipwal, first; Palikir, second, and Soledi, third.



400-METER FINAL — Peteriko Almos, left, of Sekere, men's high point winner in the Feb. 24 Sokehs Rebellion Day track meet, is crossing the finish line in the 400-meter final ahead of Iakopus Johnny, right, of Palikir and Andrew Amon, center, of Deh.



BACK STROKE FINAL — Morse Manasa, left, of Deh-Ipwal, women's high point winner in the Feb. 25 Sokehs Rebellion Day swim meet, is finishing ahead of Marselina Kiriemo, right, and Rose Kiriemo, second from right, in the 50-meter back stroke final.

Ponape State Court verified, begins taking cases

KOLONIA, Ponape — The Ponape State Court was verified as a "functioning court" by the Trust Territory High Court and will begin immediately accepting cases for filing, according to State Court Chief Justice Edwel Santos.

Associate Justices Carl Kohler and Yoster Carl are scheduled to be sworn in by Santos on Feb. 29 during the Ponape State Leadership Conference on Political Development in the State Legislature Chamber.

The State Court originally was scheduled to begin operating Jan. 2 using the staff and facilities of the District Court here without the authorization of the High Court, but the operation was delayed at the request of Trust Territory Chief Justice Alex Munson.

"All of the concerns which the High Court Chief Justice had relating to my appointment have been satisfactorily taken care of," Santos said, referring to his originally being confirmed by the State Legislature while he was serving as its speaker and his being reconfirmed and sworn in a second time on Jan. 27.

Santos met with Munson while he was holding a High Court session here in

Nett ordinance void

KOLONIA, Ponape — FSM Supreme Court Chief Justice Edward King declared null and void a Nett municipal ordinance imposing a \$600 a year usage fee on all importers using the Ponape State Dock, because the municipality lacks the authority to impose taxes under state law.

In the Jan. 30 opinion, King cited a Ponape State Charter provision that the legislature could delegate taxing power to local governments, but said, "No Ponape state law delegating to any municipality the authority to establish a tax such as this one has been brought to the court's attention."

The opinion was issued in response to a motion for summary judgment under the court's Rules of Civil Procedure by the Ponape State Chamber of Commerce and 14 importers using the docking facilities in Nett.

It is the first case in which the Supreme Court was asked to exercise jurisdiction over state-related and local claims, as well as national law, King noted in declaring that the FSM court has jurisdiction to decide local issues in cases which arise under the FSM Constitution as national law.

"Any inclination I might otherwise have to transfer the state issues is erased by the fact that the Ponape State Court System has not begun functioning," he said in exercising the court's power to base its findings on state law.

February to work out the final arrangements to begin operating the court.

FSM Supreme Court Chief Justice Edward King, notified Munson in a Feb. 7 letter that "in accordance with the provisions of (Interior Department) Secretarial Order 3039....the State of Ponape has established its State Court system pursuant to the terms of the Ponape State Charter and the Ponape State Judiciary Act.

"Thus 'functioning courts exist' in Ponape," King said, adding, "Your written verification of that fact is requested."

Munson notified Santos by telephone that he certified the existence of the functioning court on Feb. 22, and a letter would follow.

A letter from Munson, transferring all District and High Court cases, personnel, facilities and District Court funds remaining for fiscal 1984 also was expected to be received by March 1, Santos said.

Kohler and Carl are serving as district judges, and Santos issued Nov. 30 a proclamation designating District Court Clerk Dohsis Halbert to be the State Court Chief Clerk and Lois A. Daniel and Nelson Joseph of the District Court to be assistant clerks.

Munson said in a Feb. 15 letter to Santos that it was agreed that the High Court "would pay each employee for their accumulated annual leave, the accumulated sick leave would be transferred to the new court and the appraisal periods would remain in the same date as if the District Court still existed."

FSM President Tosiwo Nakayama said in a Feb. 15 letter to Munson that in addition to the transfer of facilities and property, "any funds currently budgeted for the operation of the state courts should, upon state court certification, be transferred to the administration of the Trust Territory of the Pacific Islands whose budget office should allot those funds to the state courts through the FSM national government."

In addition to unused District Court

funds, the State Court has \$140,000 appropriated by the State Legislature and the FSM Congress to begin its operations, according to Santos.

The Ponape court will get one or two alternate judges to serve part-time on appeals and when the other justices are disqualified from cases, Santos said

The Ponape court will be the second state court to begin operating in the FSM, as the Yap State Court began operations in 1982.

The Truk State Court was established by law and has a Chief Justice, Soukichy Fritz; two associate justices, Olaf Welle and Sebastian Frank, and a vacant third associate justice position. It is awaiting authorization by the High Court to begin operations.

The Kosrae State Court was created by the state constitution which went into effect on Jan. 11, and the State Legislature was working on a judiciary act to implement it.

Fishermen leave

(Continued from page 1)

broke on their 15 horse power Johnson outboard motor and the currents carried them westward into FSM waters.

They had enough food, as they lived on a small fish, Tebubu, which followed the boat, but they ran out of water after two weeks and could not eat because they were dehydrated, according to Tebaau.

They sighted two ships after drifting two weeks and tried to signal one which came toward them, but left without spotting them, according to Tebaau who said a third ship was sighted after that and four ships were sighted, including the Otoshiro Maru No. 24, on they day they were picked up.

A similar incident occurred in October, when a 14-foot outboard motorboat drifted from Tarawa with three Kiribati fishermen more than 1,000 miles in 25 days to Kosrae.

FSM Supreme Court Calender

TRIAL DIVISION - STATE OF PONAPE
Weeks of Feb. 29 to March 14, 1984

DATE/TIME	CASE NO. / CASE NAME	PROCEEDING
Feb. 29	1984-500 FSM v. Gilmete	P/Trial Motions
Mar. 06 / 10 a.m.	1983-006 Moylan Ins. v. Semes	Trial
Mar. 08	1984-500 FSM v. Gilmete	Responses
Mar. 08	1984-501 FSM v. Purchall	Responses
Mar. 09	1984-500 FSM v. Gilmete	Pretrial Hearing
Mar. 09 / 9 a.m.	1984-500 FSM v. Gilmete	Trial
Mar. 09 / 9 a.m.	1984-501 FSM v. Purchall	Pretrial Hearing
Mar. 14 / 9 a.m.	1984-501 FSM v. Purchall	Trial

Congress asked to clarify use of projects funds

KOLONIA, Ponape — FSM Public Auditor John Dye urged the FSM Congress to specify how public projects funds may be used in a Dec. 26 audit report on the Kosrae State Commission on Improvement Projects, citing the use of these funds for municipal operations and payment to land owners for removal of trees.

Dye also cited the use of public project funds to pay pre-allotment costs for lobbying for 1982 appropriations for municipal salaries.

The audit of funds going to the commission during fiscal 1983 which ended Sept. 30 was requested by FSM Ways and Means Chairman Raymond Setik "to evaluate the commission and determine what projects are built with Congress funds," according to the report which was released by Dye.

The report said that State Senator Thurston Siba resigned from the commission on May 18, 1983, "alleging that the commission faced 'critical difficulties' in administering its funds and compliance with the FSM Financial Management Act and regulations."

Siba recommended that the Congress abolish the commission and designate the governor as the allottee for public projects, as requested in a resolution

Court gets clerks

KOLONIA, Ponape — FSM Supreme Court Chief Justice Edward King announced the addition of two new law clerks at the court, including Midasy Aisek of Truk and Maivan Lam of Hawaii.

Aisek began a one-year clerkship in January and will return in February, 1985, to Papua-New Guinea for his fourth and final year of law school. He is a graduate of Silliman University, Philippines, who taught at Faichuk Junior High School and Truk High School, in addition to serving in the Micronesian Legal Services Corp. office in Truk.

Mrs. Lam will be with the court until May when she will return to the University of Hawaii to receive her law degree. She is a graduate of Marygrove College, Detroit, Michigan, who received an MPH degree in anthropology and an MA degree in Southeast Asian studies from Yale University, and taught anthropology at Hawaii Loa College.

She is assistant director of the Law of the Seas Institute in Honolulu and is specializing in Hawaii land tenure rights.

The clerks are assisting the Chief Justice in legal research, planning procedures and dealing with judicial problems as part of their legal training.

by the State Legislature.

Kosrae is the only FSM state where an independent commission created by the Congress administers its appropriations, according to the report which noted that the commission was created March 10, 1980, by PL 1-90.

The commission includes the four municipal chief magistrates, the Public Works and Resources and Development directors and one appointee each by the State Legislature Speaker and Kosrae delegation to Congress. It has no staff, but uses the Congress delegation staff and office.

Public Law 2-40, dated July 12, 1982, appropriated \$206,000 for public projects in the state which were extended through Sept. 30, 1984, and \$155,096 had been obligated through Sept. 30, 1983, according to State Finance Department records.

"More than half of the funds appropriated for 'municipal projects' is being used for current operating expenses of the municipal governments," the audit report said, stating that \$106,000 was designated for municipal projects and that of \$60,917 obligated through Sept. 30, that of \$41,166 in transactions reviewed \$25,787 was spent for municipal operating expenses, including \$17,403 for municipal officials' salaries.

The budget for the PL 2-40 funds does not include salaries, but the magistrates said salaries are being paid under the contractual services provisions of the law, according to the report.

"All of the funds appropriated for circumferential road are being used to pay land owners for removal of trees along the road," according to the report which said that \$100,000 was appropriated for the road and \$84,311 was obligated through Sept. 30.

Agreements signed by land owners and government officials say the tree removal is to clear the way for utility poles for the electrical distribution system, but checks issued by the Finance Director indicate the payments are for crop damage, according to the report which said using the funds for the electrical distribution project would be illegal.

"The nature, purpose and limitations of projects to be conducted with Congress funds should be made more clear...in appropriation law itself, or be a process specified by Congress," the auditor recommended, citing a Ways and Means Committee inspection report which said that "vaguely worded appropriation bills," were part of the problem in Kosrae.

Pre-allotment obligations charged to the PL 2-40 account include \$2,644

for the chief magistrates and staff to come to Ponape, Oct. 11-29, 1982, to testify on the appropriation in the FSM Congress and \$5,511 for Tafunsak municipal salaries.

The report said that PL 2-40 requires that funds be administered in accordance with the FSM Financial Management Act which makes it a crime to use FSM or U.S. funds for obligations incurred in advance of their availability.

The report recommended that the Congress clarify when funds are "available," at the time of appropriation, or allotment, by determining its intent on pre-allotment, or pre-appropriation costs.

The report also said that "the commission is not maintaining adequate accounting and control of funds," citing \$147,398 in obligations on the commission books, compared with \$161,098 on the Finance Department accounts through Sept. 30.

It also cited lack of supporting documentation invoices or evidence of receipt of goods and services from the commission when requesting Finance Department payment and lack of inspection and completion reports which are required by PL 2-40.

Congress Vice Speaker Joab N. Sighrah of Kosrae said, "The original intent for the road money was to expand the roads all around Kosrae. It just happened that power was being planned to be distributed to the municipalities.

"It was very difficult to expand the roads because the people refused to give up their crops unless the crops were paid for," he said.

"The Commission had decided to pay for the crops in order that the expansion of the road be continued as well as the distribution of the power to the municipalities," Sighrah said.

Tosie takes office

LELU, Kosrae — Akira Tosie, winner of the Feb. 9 special election in Lelu to fill the Kosrae State Legislature seat vacated by Dais Alokoa, was sworn into office on Feb. 17, according to a Kosrae State Release.

The official election results which were certified Feb. 14 by Gov. Yosiwo George gave 216 votes to Tosie, 188 to former Gov. Jacob Nena and 130 to State Agriculturist Tadasy A. Sighrah.

Alokoa vacated the seat on Jan. 11 when the new Kosrae State Constitution, barring legislators from serving in other government jobs, went into effect.

JTPA job training program applications sought

KOLONIA, Ponape — Applications are being accepted in the FSM states to participate in the Job Training Partnership Act program, according to Acting Trust Territory JTPA Director Jan Erickson of Saipan who visited Ponape Feb. 14-17 to meet with state program officials.

"Most of the programs will begin in late February and early March," Mrs. Erickson said.

"We suspect that because of the late start-up most of the training will be carried over into the next program year which begins July 1," she said.

State plans for the current 1983 program year are in the last stages of review and approval, and state plans for the 1984 program year which begins July 1 are due in the Trust Territory JTPA office by April 13, she said, adding that the FSM Training Specialist Justy Hainrick is responsible for coordinating the plans.

The programs will include on-the-job training with public and private employers being reimbursed 50 per cent of the trainees' wages, plus work experience

and classroom training with the trainees receiving needs-based payments, instead of salaries, according to Mrs. Erickson.

JTPA also includes summer youth employment program funding which will be utilized in the state programs.

Persons interested in receiving training in the programs may contact the state JTPA directors, including Roosevelt Kansou, Truk; Tim Thornburgh, Yap Community Action Agency; Aaron Alokooa, Kosrae, and Elsa Thomas, Community College of Micronesia, Ponape.

Truk plans to recruit 139 trainees, beginning with four persons to be sent March 1 for computer training by Marianas Electronics. Other off-island programs in Guam will include 10 retail management trainees and two graphics and communications trainees. On-the-job training will be provided for 50 accounting trainees, 20 refrigeration and air conditioning trainees and 53 construction trainees.

Yap is planning to train 24 youths in three piggery demonstration projects; nine youths in construction, heavy

equipment operations and mechanics by the Navy Civil Action Team; 15 public sector and 10 private sector middle management personnel in a two-week management course; two people in on-the-job refrigeration repair and maintenance at J.C.S. Corp in Guam, and four people in a two-week outboard motor maintenance course to be provided by Yamaha Corp. of Japan factory-trained engineers.

Kosrae is planning to send nine people to Guam for three months of training in welding, light and heavy equipment mechanics, power plant operations, medical equipment repair, carpentry, auto body and fender repair, small engine mechanics and electrical repairs.

Ponape is planning to provide classroom training in middle management for 15-20 participants, basic skills improvement for 20-25 participants, refrigeration maintenance for 10-15 participants, drafting and building cost estimating for 15-20 participants and poultry production for 10-15 participants; on-the-job training for 30 participants; summer youth training for 100 participants, and off-island training for two people in computer operations for two months at Memory Lane, Honolulu; for one person in IBM typewriter service for two months in Honolulu, and one person in anesthesiology for seven months in New Zealand.

Ponape to provide new CTAS office

KOLONIA, Ponape — Gov. Resio Moses agreed to allow the College of Tropical and Agriculture Sciences to move its office to the Ponape State Agriculture Station and use land and facilities there for crop research, according to CTAS Director Ismael Lebehn.

Lebehn also announced that CTAS officials were scheduled to hold workshops on the Land Grant Cooperative Extension Service program Feb. 27-29 in Kosrae and March 5-6 in Majuro.

A Land-Grant workshop was held in Ponape and future workshops will be scheduled in Palau, Truk and Yap to explain the program, he said.

CTAS, a branch of the College of Micronesia headquartered in Ponape, is launching its Cooperative Extension Service program with the approval of a four year work plan and the authorization of up to \$684,305 in matching funds during fiscal 1984 by the U.S. Agricul-

ture Department.

The plan includes agriculture, nutrition, physical fitness and 4-H youth programs.

CTAS also is eligible for \$530,856, including \$90,000 which does not require matching funds, for agriculture and home economics research and \$50,000 in unmatched funds for agriculture and home economics instruction for fiscal 1984.

The governor signed Feb. 7 a memorandum of understanding authorizing the CTAS to renovate and use the former Plant Pathology Office for its headquarters and to use adjacent Forestry Station land and facilities for research.

The renovation is subject to approval by the governor and the COM Board of Regents.

The CTAS staff is using a small office adjacent to the Community College of Micronesia cafeteria on the ground floor of the COM headquarters building.

Vegetable program set

LELU, Kosrae — The Kosrae State Agriculture Department is launching a program to train farmers in the production of vegetables to provide employment, reduce food imports and produce exports, according to a Feb. 13 Kosrae State Release.

The department will provide seed, seedlings, fertilizers and other chemicals at no cost to the farmers who may go into full-time farming, or drop out of the program, after two years.

The department will record individual harvest and will announce winners during an agriculture fair to be held at the end of the year.

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